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15 AUG 1980

MEMORANDUM FOR: Executive Officer to the DDA

ATTENTION: Chief, Regulations Control Division, OIS/DDA

FROM: James H. McDonald
Director of Logistics

SUBJECT: Proposed Draft of [] Official Data
Access and Release

REFERENCE: Multi addressee memo from C/RCD/ISS, dtd
31 July 80, same subj (OL 0 3540)

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1. The Office of Logistics (OL) assumes that the wording in subparagraph (4), line 3, page 4, includes "goods" as well as services. If our assumption is correct, the inclusion of the words "goods and" would remove any uncertainty as to the meaning.

2. OL concurs in publication of the proposed draft.

[]

for James H. McDonald

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Attachment:
Reference

cc: EO/DDA

Distribution:

Orig - C/RCD/OIS/DDA
① - OL Files w/att
1 - OL/P&PS (Official) w/att
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1 - D/L Chrono w/att

OL 0 3540a

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OL/P&PS/[]
(13 Aug 80)

UNCLASSIFIED WHEN SEPARATED
FROM CLASSIFIED ATTACHMENT

CONFIDENTIAL

31 July 1980

MEMORANDUM FOR: Deputy Director for National Foreign Assessment
 Deputy Director for Science and Technology
 Deputy Director for Operations
 Comptroller
 General Counsel
 Legislative Counsel
 Inspector General

FROM:

[REDACTED]
 Chief, Regulations Control Division
 Information Services Staff

SUBJECT:

Proposed [REDACTED] Official Data Access and Release,
 DRAFT B (Job #8902)

FOR YOUR CONCURRENCE OR COMMENTS:

1. The attached proposal, initiated by the Office of Security, replaces the existing [REDACTED] and parts of [REDACTED] (see instruction sheet). The regulation is part of a package to implement safeguarding provisions of Executive Order 12065. The package consists of [REDACTED]-in print; [REDACTED]-DRAFT C in coordination; and [REDACTED] DRAFT B being prepared for coordination. DRAFT A of this proposal was previously coordinated in July 1979. Changes from the previous draft are enclosed in brackets. They include a more detailed definition of "official data," instructions for dealing with specific markings of unclassified official data, a PENALTIES paragraph to replace the old STATUTORY REFERENCES paragraph, and several changes in the RELEASE OF MATERIAL TO THE CONGRESS paragraph. [REDACTED]

2. Please forward your concurrence and/or comments to the Regulations Control Division by 21 August 1980. Concurrence sheets are attached for your convenience. Any questions may be directed to [REDACTED] extension [REDACTED]

Attachments:

- A. Concurrence sheet
- B. Proposed [REDACTED]

cc: AO/DCI C/IPD
 AO/RMS-CTS OS
 SSA/DDA OC
 C/ISS OL
 C/RMD OPPPM
 C/CRD

*New Numbering Series

OL 0 3540

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Approved For Release 2003/08/20 : CIA-RDP83-00957R000100020005-1

Approved For Release 2003/08/20 : CIA-RDP83-00957R000100020005-1

DRAFT B

SECURITY

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APD * 22. ACCESS TO AND RELEASE OF OFFICIAL
DATA

SYNOPSIS. This regulation sets forth policy governing access to and release of all official data in the possession of the Agency.

a. DEFINITION. The term "official data" as used in this regulation is defined to include all information, classified or unclassified, that is received or created by the Agency [except personal copies of unclassified/uncontrolled administrative notices, personnel actions, financial statements, or medical records). All official data as defined here] is the property of the United States Government.

b. POLICY

(1) Official data is not to be used for personal use or benefit and may not be copied or removed from the files of the Agency for release outside of the Agency for any purpose

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except by those officials authorized to do so by the Director of Central Intelligence [in connection with official business.] / (DCI) /

(2) Access to and release of classified official data will be governed by the need-to-know principle and will be granted only after determining that persons having a need-to-know possess necessary security clearances or access approvals. This applies to all persons whether within CIA or outside. Official data, classified or unclassified, will not be provided to or used by any individual unless it is required in the course of official duties.

(3) When not in use, classified official data must be stored in the manner specified in [] or, in the case of data that require special controls, in accordance with the provisions of [].

Unclassified official data that is protected from release under the Freedom of Information or Privacy Acts or is marked with ['Administrative-Internal Use Only'] controls may be stored in the manner specified for classified material or, at a minimum, under key lock. [Official data marked 'For Official Use Only' requires no protective security

DRAFT B

storage measures.] No classified official data may be removed from Agency buildings to residences unless specific prior approval has been granted by the Director of Security, and then only when approved storage facilities are available at the specific site. [Data bearing the "'Administrative-Internal Use Only'" marking may not be removed from Agency buildings without the specific permission of the originator or designee. Data bearing the "'For Official Use Only'" marking may be removed from Agency buildings with the permission of the originating agency.]

(4) The destruction of classified official data must be accomplished as provided for in These destruction procedures are applicable to unclassified official data protected from release under the Freedom of Information or Privacy Acts or marked with "'Administrative-Internal Use Only'" controls. Official data marked "'For Official Use Only'" is exempt from these destruction procedures with the permission of the originating agency.]

c. RESPONSIBILITIES

(1) Each individual employed by the

Agency is charged with the responsibility for the secure storage and handling of official data and for protecting it against access by unauthorized persons and against release or dissemination that could lead to unauthorized disclosure.

(2) The Director of Security will ensure that all personnel entering on duty and processed through headquarters read this regulation and [applicable] statutes (see paragraph d below).

(3) Chiefs of [] installations will ensure that all [] personnel entering on duty and not processed through headquarters read this regulation and [applicable] statutes (see paragraph d below).

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(4) Any authorized representative of CIA who negotiates with individuals or organizations for services will ensure that pertinent statutory provisions [cited in paragraph d below] are incorporated in the appropriate nondisclosure agreements or contracts that are executed. The incorporation of such statutory provisions may be by reference where feasible.

Guide AND

d. [PENALTIES. Certain violations involving the misuse or mishandling of classified

official data can constitute a criminal offense, penalties for which are specified in Sections 793, 794 and 798, Title 18 U.S. Code. Other violations, /, / while not constituting a criminal offense, represent violations of Agency security policy and will be handled under appropriate provisions of []*

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~~(New Series)~~]

e. SPECIAL SITUATIONS

(1) RELEASE OF MATERIAL TO THE CONGRESS OF THE UNITED STATES. Decisions to release CIA material to members of Congress and committees of the Congress will be made on the merits of each individual request and the specific responsibility exercised by a given committee. Requests for information will be directed to the Legislative

Counsel, who will [contact appropriate offices and who will be responsible for the coordination of policy related to the transmittal of appropriate response! The individual office] is responsible /s./ for the preparation, coordination, and approval for release of information pertinent to a request for intelligence material and, before release, must gain full concurrence from the office of primary interest. If disagreements occur as to what should or should not be provided, the ~~Director~~

/DCI/

~~of Central Intelligence~~ will make the final decision.

In all cases, care must be taken to ensure the protection of intelligence sources and methods. Classified material will be marked in accordance with provisions of Executive Order 12065 and Information Security Oversight Directive No. 1, effective 1 December 1978. [No officer or employee of ~~the~~ CIA will give testimony before a committee of the Congress without prior authorization from the ~~Director~~. A person serving with, or employed by, the CIA, if requested to appear before a committee of the Congress will, without delay, inform the appropriate Deputy Director or Head of Independent Office. This officer will inform the Legislative Counsel, who will, in turn, submit a recommendation to the ~~Director~~ for consideration and decision.] /DCI/

(2) RELEASE OF MATERIALS TO FORMER

EMPLOYEES. Former employees are not to be provided official data unless it is properly released to them through designated official channels. Need-to-know and possession of the appropriate security clearances must be demonstrated prior to release of any classified official data. In general,

former employees will be treated as other members of the general public who request information under provisions of the Freedom of Information or Privacy Acts.

(3) ACCESS BY FORMER PRESIDENTIAL APPOINTEES AND HISTORICAL RESEARCHERS. This access is controlled under provisions of *

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